

9:23 am, Aug 13 2021

AT BALTIMORE
 CLERK, U.S. DISTRICT COURT
 DISTRICT OF MARYLAND
 BY _____ Deputy

**IN THE UNITED STATES DISTRICT COURT FOR
 THE DISTRICT OF MARYLAND**

UNITED STATES

v.

SEAN SULLIVAN

Defendant

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Case No. 21-cr-0884 [SEALED]

MOTION TO MODIFY CONDITIONS OF PRETRIAL RELEASE

Sean Sullivan, the Defendant, by and through undersigned counsel, moves this Court to modify the terms of his pretrial release to permit him to retrieve his passport from the Clerk's Office to travel to Brazil for a five-day business trip and to Canada for a one-day beach vacation with family. In support thereof, Mr. Sullivan states the following:

1. On March 31, 2021, Mr. Sullivan made his initial appearance before this Court on a criminal complaint charging him with unlawful importation of a firearm into the United States.
2. On the same day as his initial appearance, Mr. Sullivan was released on conditions pending trial in this matter.
3. At his initial appearance, Pretrial Services did not deem Mr. Sullivan a flight risk, or a danger to the community for that matter, as the Pretrial Services Report recommended that Mr. Sullivan be released on his personal recognizance. The government did not seek detention in this case.
4. Since his release in this matter, Pretrial Services has not noted any alleged violations of Mr. Sullivan's release conditions.

5. Germane to this motion, Mr. Sullivan's pretrial release conditions provide that he must surrender any passport to the Clerk's Office and obtain no passport. His pretrial release conditions do not otherwise restrict his travel.
6. Mr. Sullivan requests to retrieve his passport from the Clerk's Office so that he can travel internationally on two occasions in August 2021.
7. The first proposed travel is a business trip to São Paulo, Brazil, from August 22-August 26, 2021, relating to Mr. Sullivan's employment with B&T USA. Mr. Sullivan is an executive officer of B&T USA, the American arm of a Swiss firearms company. The purpose of this trip is for Mr. Sullivan to meet with his company's representative to Brazil.
8. The second proposed travel is a one-day beach trip with family on either August 28 or August 29, 2021. After Mr. Sullivan's return from Brazil, he plans to visit his parents in Buffalo, New York, with his children. Mr. Sullivan requests to take a day trip to the beach in nearby Port Colborne, Canada, with his family. Mr. Sullivan would not spend the night in Canada and would return to Buffalo that same day.
9. Mr. Sullivan plans to return to Maryland from Buffalo, New York, on August 30, 2021, and proposes that he return his passport to the Clerk's Office within three days of his return to Maryland.
10. Further ensuring that Mr. Sullivan will appear in Court is the fact that both Brazil and Canada have extradition treaties with the United States. *See Treaty & Additional Protocol Signed at Rio De Janeiro, U.S.-Brazil, Jan. 13, 1961, & June*

18, 1962, 15 U.S.T. 2093; Treaty Signed at Washington, U.S.-Canada, Dec. 3, 1971, 27 U.S.T. 983.

11. Assistant United States Attorney James Warwick consents to Mr. Sullivan's requests to travel to Brazil and Canada.
12. Pretrial Services Officer Celine Ferguson objects to these requests because, from Pretrial Services' perspective, international travel automatically creates a risk of flight.

Wherefore, Mr. Sullivan asks that this Court modify the conditions of his release to permit him to retrieve his passport from the Clerk's Office and travel to Brazil and Canada in August 2021.

Respectfully submitted,
James Wyda
Federal Public Defender
for the District of Maryland

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